

# **Fiscal Services Division**

## **Legislative Services Agency**

### **Fiscal Note**

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HF 711 - Court Officers (LSB 1240 HV.3)

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Fiscal Note Version – As Amended and Passed by the Senate

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#### **Description**

House File 711, as amended and passed by the Senate, relates to Judicial Branch procedures involving the appointment process of certain officers and judges and applications for further review at the appellate level, and providing for temporary delays in filling judgeships.

#### **Background**

1. House File 694 (Courts Practices and Procedures Act) in the 2003 Legislative Session allowed the Chief Justice of the Supreme Court to delay, up to 180 days, the nomination process of a judge for budgetary reasons.
2. House File 711, as amended and passed by the Senate, extends the 180-day delay through FY 2009 for District Court Judge vacancies, but repeals provisions permitting the delay in the appointment of Supreme Court Justices or Court of Appeals Judges. Current law provides that the Chief Justice may delay the appointment of a judge for budgetary reasons through FY 2006.
3. The Senate amendment restores current law regarding the appointment and removal of clerks of district court.
4. Judges' salaries are set in the Section 602.1501, Code of Iowa.
5. The 2005 compensation (including salary and benefits) for a District Court Judge is \$129,572; for a District Associate Judge and Associate Judges is \$114,562; and Magistrates is \$36,848.
6. House File 711, as amended and passed by the Senate, increases the number of District Associate Judges eligible to be appointed in a county, based on the population of that county. Currently, there are 54 District Associate Judges.
7. As part of the Judicial Branch's FY 2006 budget request, the Judicial Branch requested \$1.0 million for five District Associate Judges, five three-fourths time court attendants, and five court reporters.

#### **Assumptions**

1. There are typically two to three openings per year for either District Court Judges, District Associate Judges, or a combination thereof. There are rarely any vacancies at the Magistrate level.
2. The expansion of the District Associate Judge population formula entitles the Judicial Branch to add five additional judges, but current law and budgetary constraints restrict the Judicial Branch's ability to fill these positions. If the Judicial Branch added an additional judge (\$115,000), they may also seek funds to add a court reporter (\$70,000) and a three-fourths time court attendant (\$29,000) as requested in the Judicial Branch's FY 2006 budget request.

#### **Fiscal Impact**

The cost savings in FY 2007 to the Judicial Branch from extending the 180-day delay in filling District Court Judge vacancies for another year will range from \$115,000 for two District Associate Judges to \$194,000 for three District Court Judges. These cost savings are estimated to be similar (although possibly slightly higher depending on cost-of-living increases for the judges) in FY 2008 and FY 2009.

The fiscal impact of adding five District Associate Judges, five three-fourths time court attendants, and five court reporters is \$1.0 million.

**Source**

Judicial Branch

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/s/ Holly M. Lyons

May 3, 2005

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.  
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